

Please type a plus sign (+) inside this box →

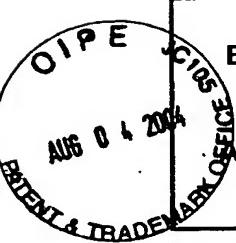
EXPRESS MAIL NO. EV449559017US

PTO/SB/81 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



ELECTION AND POWER OF
ATTORNEY OR
AUTHORIZATION OF AGENT

| | |
|------------------------|-------------------|
| Application Number | 10/811,791 |
| Filing Date | March 29, 2004 |
| First Named Inventor | Russell H. Barton |
| Group Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 130109.523 |

I hereby appoint:

Practitioners at Customer Number

Customer Number

00500

OR

Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
| | |
| | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

The above-mentioned Customer Number.

OR

| | | | | |
|--|--|-------|-----|--|
| <input type="checkbox"/> Firm or Individual Name | | | | |
| Address | | | | |
| Address | | | | |
| City | | State | ZIP | |
| Country | | | | |
| Telephone | | Fax | | |

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

As assignee of record of the entire interest hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor

SIGNATURE of Applicant or Assignee of Record

| | |
|-----------|---|
| Name | Noordin S.K. Nanji – Vice-President, Corporate Strategy & Development |
| Signature | |
| Date | 11-June-04 |
| Name | Dave Smith – Chief Financial Officer |
| Signature | |
| Date | 11-June-04 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Russell H. Barton et al.

Application No./Patent No.: 10/811,791 Filed/Issue Date: March 29, 2004

Entitled: HYDROGEN CONCENTRATION SENSOR FOR AN ELECTROCHEMICAL FUEL CELL

Ballard Power Systems Inc.

(Name of Assignee)

a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. An assignment from the inventor(s) of the patent application/patent identified above.

The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

- Additional documents in the chain of title are listed on a supplemental sheet.
- Copies of assignments or other documents in the chain of title are attached.

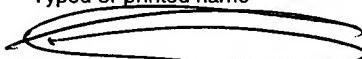
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

11 - June - 04

Date

Noordin S.K. Nanji

Typed or printed name



Signature

Vice-President, Corporate Strategy & Development

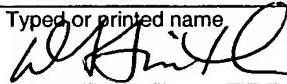
Title

11 - June - 04

Date

Dave Smith

Typed or printed name



Signature

Chief Financial Officer

Title

ASSIGNMENT

WHEREAS, we,

| Name | Post Office Address | |
|---------------------|--|-------|
| Russell H. Barton | 332 Keary Street, New Westminster, British Columbia, CANADA V3L 3L3 | ; and |
| Michael P. Sexsmith | 3677 Baird Road, North Vancouver, British Columbia, CANADA V7K 2H3 | |

(hereinafter referred to as ASSIGNORS), having post office addresses as listed above next to our names, are the joint inventors of an invention entitled

HYDROGEN CONCENTRATION SENSOR FOR AN
ELECTROCHEMICAL FUEL CELL

as described and claimed in the specification for which an application for United States letters patent was filed on March 29, 2004, and assigned Application No. 10/811,791.

WHEREAS, Ballard Power Systems Inc. (hereinafter referred to as ASSIGNEE), a Canadian corporation having a place of business at 4343 North Fraser Way, Burnaby, British Columbia, Canada V5J 5J9, is desirous of acquiring the entire right, title and interest in and to said invention, this application, and any Letters Patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNEE hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would

have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

May 25 / 2004
Date

Province of British Columbia _____
Country of Canada _____


Russell H. Barton

)
ss.

I certify that I know or have satisfactory evidence that Russell H. Barton is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated May 25, 2004

Signature of
Notary Public Victor Tuomi

Printed Name Victor Tuomi

My appointment does not expire

June 3 2004
Date

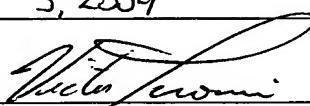
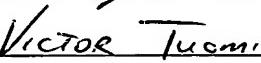

Michael P. Sexsmith

Province of British Columbia _____

Country of Canada _____

ss.

I certify that I know or have satisfactory evidence that Michael P. Sexsmith is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated June 3, 2004
Signature of
Notary Public 
Printed Name 

My appointment does not expire